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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, SMICK ENTERPRISES, INC.,  
 ELON MUSK, and TESLA, INC.,

Defendants.

Case No. 3:20-cv-03426-JD

**REQUEST FOR JUDICIAL  
 NOTICE IN SUPPORT OF  
 PLAINTIFF'S SECOND  
 AMENDED COMPLAINT**

Judge: Hon. James Donato  
 Complaint Filed: May 20, 2020  
 SAC Filed: August 26, 2020

Pursuant to Federal Rule of Evidence 201 and *Rosales-Martinez v. Palmer*, 753 F.3d 890, 894-895 (9th Cir. 2014), Plaintiff Aaron Greenspan requests that the Court incorporate by reference or take judicial notice of the documents identified below in support of Plaintiff's Second Amended Complaint ("SAC"). These documents did not yet exist at the time the SAC was filed.

**I. DOCUMENTS SUBJECT TO THIS REQUEST**

Exhibit	Description	Basis for Notice and/or Incorporation
A	Twitter, Inc. "Ban evasion policy" Dated October 2020	Publicly available from a reliable source; SAC ¶¶ 10, 110, 138, 293(h)
B	LinkedIn Profile of Former Tesla, Inc. Director of Engineering Dorian West Disclosing That "Tesla Semi	Publicly available from a reliable source; SAC

	program engineering team” Had Been “Redeployed...as needed”	Issue No. 31
C	@ElonMusk Twitter Post Dated October 16, 2020 For The First Time Disclosing Multiple Neck Surgeries	Publicly available from a reliable source; SAC Issue No. 44
D	@ElonMusk Twitter Post Dated November 3, 2020 For The First Time Disclosing Tesla, Inc. “about a month” From Bankruptcy During “mid 2017 to mid 2019”	Publicly available from a reliable source; SAC Issue Nos. 1, 4, 5, 6

## II. FACTUAL BASIS

Judicial notice is proper because all of these documents did not yet exist when the SAC was filed on August 26, 2020, but are now available from reliable public sources. As such, the documents’ existence and authenticity cannot reasonably be questioned.

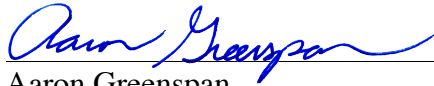
The website of Twitter, Inc. is a reliable public source, both for content concerning the company itself and for posts by specific users. Per counsel for Defendant Musk, “Courts in this district and elsewhere in the Ninth Circuit have found that tweets are appropriate subjects of judicial notice where—as here—they are publicly available and their accuracy may not reasonably be questioned. *Unsworth v. Musk*, No. 19-MC-80224-JSC, 2019 WL 5550060, at \*4 (N.D. Cal. Oct. 28, 2019) (‘[J]udicial notice is proper because the existence of the publicly-available . . . tweets cannot reasonably be questioned.’).” ECF No. 58.

Similarly, LinkedIn profiles are reliable public sources properly subject to judicial notice. “[T]he Court here takes judicial notice of Thomas Alston’s LinkedIn profile (which is still currently active)...” *Miller v. Southwest Credit Systems, L.P. et al*, Case No. 1:18-cv-02538-ADC (D. Maryland December 4, 2019). Mr. West’s LinkedIn profile is active and accessible at <https://www.linkedin.com/in/dorian-west/>.

## III. CONCLUSION

For the aforementioned reasons, Plaintiff respectfully requests that the Court take judicial notice of the above referenced documents.

1 Dated: November 20, 2020

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**EXHIBIT A**

Twitter, Inc. “Ban evasion policy” Dated October 2020



Help Center

# Ban evasion policy

## Overview

### October 2020

Our rules exist to help keep everyone using Twitter safe and ensure they can participate freely in the public conversation. Therefore, we prohibit attempts to circumvent prior enforcement, including through the creation of new accounts.

## What is in violation of this policy?

Under this policy we prohibit a range of behaviors:

- **You can't circumvent permanent suspensions.** If an account has been permanently suspended for severe violations of the Twitter Rules (<https://help.twitter.com/rules-and-policies/twitter-rules>), Twitter reserves the right to also permanently suspend any other account we believe the same account holder or entity may be operating in violation of our earlier suspension, regardless of when the other account was created.
- **You can't circumvent a Twitter suspension, enforcement action, or anti-spam challenge.** This includes any behavior intended to evade any Twitter remediation, such as creating a new account or repurposing an already-existing account.
- **You can't circumvent a Twitter suspension by operating, or having someone else operate on your behalf, an account which represents your identity, persona, brand or business persona for a different purpose.**
- **You can't allow someone who has been permanently suspended from Twitter to permanently take over or temporarily operate your account.**
- **You can't imitate a suspended account if the apparent intent is to replace a suspended account.** Operating a parody, newsfeed, commentary, and fan account that does not function as a replacement of the suspended account is not in violation of the above, provided that the account follows the applicable requirements outlined

Feedback

in the policy (<https://help.twitter.com/rules-and-policies/parody-account-policy>).

## What happens if you violate this policy?

The consequences for violating this policy depend on the type and severity of the violation and of the accounts' previous history of violations.

Circumventing a Twitter enforcement action (such as a permanent suspension) by creating accounts or repurposing existing accounts to replace or mimic a suspended account is a violation of the ban evasion policy; it will result in permanent suspension at first detection.

We may suspend any account that is being operated to circumvent a Twitter enforcement action (such as a temporary account lock). Note that the account owner may in some circumstances be allowed back on Twitter following a successful appeal; however, any account used for the purpose of circumventing Twitter remediation will remain suspended.

## Additional resources

If you believe that an account you own has been suspended or otherwise restricted in error, instead of creating a new account, we recommend that you appeal your account suspension by contacting our support team, and/or that you comply with completing required Twitter challenge(s) if applicable.

Feedback

Learn more about our range of enforcement options

(<https://help.twitter.com/rules-and-policies/enforcement-options>),

and our approach to policy development and enforcement

(<https://help.twitter.com/rules-and-policies/enforcement-philosophy>).

## Was this article helpful?<sup>\*</sup>



Submit

**EXHIBIT B**

LinkedIn Profile of Former Tesla, Inc. Director of Engineering Dorian West Disclosing That  
“Tesla Semi program engineering team” Had Been “Redeployed”



Q Search



Home



My Network



Jobs




Messaging




Notifications

Re-elect John Zoglin - Lifelong emotional engagement with El Camino Hospital. Tonsils removed at 7 A



Message

More...

Stanford

Dorian W. · 3rd

Leading engineering teams to create a sustainable transportation & energy future


San Francisco Bay Area · 500+ connections · [Contact info](#)

About


Seasoned engineering leader with primary interest in sustainable transportation and energy. Background in mechanical, electrical, and software engineering. I am serious about developing engineering solutions to reduce

Aaron, u

People Al



Nic  
•3r  
EVI



Bri  
•3r  
Dir  
Tes



fossil fuel consumption.... see more

## Experience



### Director of Engineering

Tesla · Full-time

Sep 2005 – Sep 2020 · 15 yrs 1 mo

Incredible 15 year experience at the world's most inspiring engineering company, accelerating the transition to sustainable transportation and energy.

2005-2007

Early employee initially served as the release engineer for the Roadster battery pack. Discovered and overcame novel challenges to utilize small cylindrical cells in the world's first production automotive application. Created and led the Battery Engineering team, critical to Tesla's early success. Supported manufacturing bringup of first battery module & pack factory overseas.

2007

Performed early vehicle system engineering for Whitestar vehicle (Model S).

2008-2011

Led battery pack development for automotive OEM customers (Smart Electric Drive, Mercedes A-Class Electric Drive). Supported Roadster battery manufacturing ramp to volume production domestically.

2011-2015

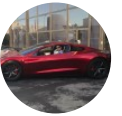
Led engineering development of full powertrain systems for automotive OEMs retrofitting their existing platforms (Toyota RAV4EV, Mercedes B-Class Electric Drive). These systems include



Ar  
•3r  
Dir  
Eng



Bri  
•3r  
Ch



Ala  
•2r  
Dir  
Eng

## People You



Bri  
Fou  
LLF



Ro  
IoT  
Sci

energy storage, propulsion, powertrain/cabin thermal management, low voltage generation, and charging. Supported vehicle level validation (e.g. battery structure was critical to vehicle crash performance.)

2015-2017

Reestablished and led vehicle Prototype Engineering & Fabrication team. Produced dozens of internal prototype systems and vehicles, including Bucks, Mules, Alpha, and Beta prototypes. Most notable were the functional showcars used to reveal the Model 3 and Tesla Semi.

2017-2020

Led Tesla Semi program engineering team. Redeployed team (and recruited others) as needed to support urgent hands-on efforts including battery module production at Nevada Gigafactory and vehicle general assembly in Fremont Factory.

[see less](#)



**Product Engineer**

Mindtribe Product Engineering  
Oct 2000 – Sep 2005 · 5 yrs

Helped establish a product engineering consulting firm during its early formative years. Performed project management, mechanical design, electrical design, and software design for embedded systems used in consumer, commercial, and industrial products. Exposed to a wide breadth of engineering challenges, working with dozens of diverse clients.



**QA Manager**

GetFit.com  
Feb 2000 – Dec 2000 · 11 mos

Established and led a quality assurance team at a fast paced web startup. Wide range of responsibilities including product specification and software validation prior to product launch.



An  
Pro  
Un



Me  
Ext  
Ma



Ma  
UX



Add new skills





**Mechanical Engineer**

Edge Innovations  
Jun 1998 – Feb 2000 · 1 yr 9 mos

Responsible for the mechanical design, assembly, testing, and operation of underwater animatronic models for feature films & exhibits. Productions included Deep Blue Sea, The Perfect Storm, Disney World. Worked on location for film shoots and theme parks.



**Mechanical Engineer**

Edge Innovations  
Jan 1996 – Sep 1996 · 9 mos

Created CAD models and drawings for the Anaconda project. Redesigned and rebuilt whales for Free Willy 3, finally supporting the film shoot as a diver on location.

**Education**



**Stanford**  
BSME & MSME, Mechanical Engineering  
1992 – 1998  
Activities and Societies: Stanford Solar Car Project



**Mount Vernon High School**



[See more courses](#)

**Promoted**



**Hack**  
The  
UCR



**Learn**  
Keep  
online  
how



**How**  
USA  
Learn

Skills & endorsements

Engineering Management · 77

Endorsed by **Barrie Dickinson** and 3 others who are highly skilled at this

Endorsed by 58 of Dorian’s colleagues at Tesla

Engineering · 40

Endorsed by **Barrie Dickinson** and 4 others who are highly skilled at this

Endorsed by 27 of Dorian’s colleagues at Tesla

Mechanical Engineering · 37

Endorsed by **Jonathan Hall** and 3 others who are highly skilled at this

Endorsed by 23 of Dorian’s colleagues at Tesla

Show more

Recommendations

Received (0)

Given (1)



## Don Williams

IT Operations Manager at  
Lucid Motors

October 24, 2011, Dorian  
worked with Don in different  
groups

In the time we worked together at Tesla, Don was consistently conscientious, responsible, and hardworking. He oversaw a large portions of the IT systems while our company grew rapidly. I wouldn't hesitate to hire him into a demanding position with high expectations.



**EXHIBIT C**

@ElonMusk Twitter Post Dated October 16, 2020  
For The First Time Disclosing Multiple Neck Surgeries



# Explore

⚙ Settings

🔍 Search Twitter

**Andy Phillips** @flyerandyp · 4h  
Has @elonmusk had spinal surgery?

💬 9

↻ 4

❤ 143

**Mojo Susan** @mojosusan · 4h  
Why?!

💬 2

↻ 2

❤ 51

**Andy Phillips** @flyerandyp · 4h  
He seems to have a scar on his neck that I also have. I'm curious to know

Tweet

**Elon Musk** ✓  
@elonmusk

Replying to @flyerandyp and @mojosusan

Maybe I can be helpful. Had Mobi-C disc put in at C5-C6, however 1st surgery failed to remove bone spur sticking into my spinal cord. 2nd surgery took care of it. Recommend using Yelp or other online reviews of doctors. Effectiveness varies widely.

6:20 PM · Oct 16, 2020 · Twitter for iPhone

58 Retweets

16 Quote Tweets

789 Likes

**Elon Musk** ✓ @elonmusk · 3h  
Replying to @elonmusk @flyerandyp and @mojosusan  
Actually, it's my neck ...

💬 113

↻ 37

❤ 537

**Zack** @BLKMDL3 · 3h  
Teslas should have massaging seats using lumbar!!

💬 4

↻

❤ 23

[Show replies](#)**rebecca shaw** @EVASrebecca · 3h  
Replying to @elonmusk @flyerandyp and @mojosusan  
I hope you recover completely

I have four levels fused from an injury, and am glad to be alive/mobile

**New to Twitter?**

Sign up now to get your own per...

[Sign up](#)**Relevant people****Elon Musk** ✓  
@elonmusk**Andy Phillips**  
@flyerandyp  
Tech obsessed Tesl  
Dad. #model3 #tesl  
#plugin**Mojo Susan**  
@mojosusan  
#art #animals #moc  
#podcasts #music  
#frunkpuppy board  
#frunkitty OG**What's happening**

MLB · 32 minutes ago

**Dodgers at Braves**Trending with [Will Smith](#), [#Dodgers](#)

Trending in United States

**#HappyBirthdayEminem**

8,631 Tweets

Trending in United States

**Houston**After trailing 3-0 in the ALCS  
Astros have come back to fac  
against the Tampa Bay Rays  
66.1K Tweets

Trending in United States

**#InMyEmploymentContract**

US elections · LIVE

**California: Election news a  
updates**[Show more](#)



✓



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# Explore

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🔍 Search Twitter

**EXHIBIT D**

@ElonMusk Twitter Post Dated November 3, 2020  
For The First Time Disclosing Tesla, Inc. “about a month” From Bankruptcy  
During “mid 2017 to mid 2019”



# Explore

⚙ Settings



### Tweet



Search Twitter



**Jon Erlichman**  @JonErlichman · 3h

On this day in 2008: Tesla secures \$40 million loan to avoid bankruptcy

Today, it's the most valuable automaker in the world.

#### Tesla Promised Another \$40 Million, Loses Lawsuit

BY CLAIRE CAIN MILLER NOVEMBER 3, 2008 2:49 AM

**UPDATED 4:23 p.m.:** Added news of ruling against Tesla in Tesla's suit against Fisker Automotive, a competing electric car company.



25

497

5.6K



**Elon Musk**  @elonmusk · 38m

That funding round completed 6pm on Christmas Eve in 2008. Last hour of last day possible, as investors were leaving town that night & we were 3 days away from bankruptcy. I put in all money I had, didn't own a house & had to borrow money from friends to pay rent. Difficult time.

416

1.6K

18.1K



**Vincent**  @vincent13031925 · 36m

And it turns out to become the best decision ever 🤖

3

4

456



**Elon Musk**  @elonmusk · 30m

I put in my last money, even though I thought we would still fail. But, it was either that or certain death for Tesla. Extremely difficult to raise money for an electric car startup (considered super quirky back then), while stalwarts like GM & Chrysler were going bankrupt.

149

168

1.8K



**Zain** @ZainRaz4 · 30m

How close was Tesla from bankruptcy when bringing the Model 3 to mass production?

2

2

93



**Elon Musk**  @elonmusk

Replying to @ZainRaz4 @vincent13031925 and @JonErlichman

Closest we got was about a month. The Model 3 ramp was extreme stress & pain for a long time — from mid 2017 to mid 2019. Production & logistics hell.

6:59 AM · Nov 3, 2020 · Twitter for iPhone

30 Retweets 10 Quote Tweets 552 Likes



**I Love Katha** @ILoveKatha1 · 24m

Replying to @elonmusk @ZainRaz4 and 2 others

Will our European orders stay locked in for the coming standard Europe cybertruck? I'm betting on your FSD achievement ;) YOU ROCK!!! 🚀



2



### New to Twitter?

Sign up now to get your own per:

Sign up

### Relevant people



**Elon Musk**  @elonmusk



**Zain** @ZainRaz4





**Vincent**  @vincent13031925  
EV believer, Extrem  
\$TSLA & SpaceX in  
Model3 / ModelY / C  
TeslaSolar owner. C  
of @tesmanian\_com

### What's happening

US elections · **LIVE**

**Election Day: Voters head  
polls across the US for the  
elections**

- 
- # Explore
-  Settings



Dreams of Mars 2049 @MemesOfMars · 24m

Replying to @elonmusk @ZainRaz4 and 2 others

No Fear!







 2





waiting for posty to drop @macxmalone · 24m

Replying to @elonmusk @ZainRaz4 and 2 others

How close is starship to the 15km launch?











Jeremy Greenlee @JeremyGreenlee · 23m

Replying to @elonmusk @ZainRaz4 and 2 others

How's the FSDbeta testing going??





 2





Stephen Pallotta @stephenpallotta · 23m

Replying to @elonmusk @ZainRaz4 and 2 others

Why Tesla is starting to stockpile cash? Just precautionary?





 2





JoeyDollaz @1Chinchi · 22m

Replying to @elonmusk @ZainRaz4 and 2 others

do you think cybertruck will out preform gms hummer









 Search Twitter

California: get local updates about the elections

US elections · Yesterday

Photo of Joe Biden not wearing a mask on a plane is from 2 fact-checkers report

World news · Yesterday


Whale sculpture in the Netherlands stops train from going off the track

Entertainment · LIVE

It's Kendall Jenner's birthday

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